

FILED

MAY 30 2024

CLERK, U.S. DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
BY 601
DEPUTY CLERK

1. KENNARD LEE JAVIS #7-75448

2. Salinas Valley State Prison

3. P.O. Box 1050

4. Soledad, CA. 93960-1050

5. PROSE

6.

7. UNITED STATES DISTRICT COURT

8. EASTERN DISTRICT OF CALIFORNIA

9.

10.

11. JANNIK CHANDLER ET AL.

CASE NO. 1:21-CV-01657 JLT-HBK

12.

13. PLAINTIFFS

14.

15. V.

16.

17. CAL. DEPT OF CORRECTIONS

18. AND REHABILITATION

19.

20. DEFENDANTS

21. TO: UNITED STATES DISTRICT COURT

22. EASTERN DISTRICT OF CALIFORNIA.

23. I, (KENNARD LEE JAVIS) PROSE/INTERVENOR WITH NOW MOVE

24. THIS HONORABLE COURT FOR PROSE INTERVENOR'S MOTION

25. TO MODIFY, AMEND, OR ALTER THE JUDGMENT. (ECF NO. 67)

26. Filed dated: 5/14/2024, PURSUANT TO: FRCP RULE 59.

27. DATE: MAY 27th, 2024(1) Kennard Lee Jarvis
INTERVENOR

DECLARATION

I, (KENNARD LEE DAVIS), AM THE ENTITLED PROSE, INTERVENOR, AND UNDERSIGNED, IN THE ABOVE-MENTION ENTITLED ACTION/CASE DEPOSE AND DECLARE AS FOLLOWS:

#1). THAT IN TANING CHANDLER, ET, AL., PLAINTIFF V. CALIFORNIA DEPARTMENT OF CORRECTIONS AND REHABILITATIONS, ET, AL. DEFENDANTS. CASE NO. 1:21-CV-01657-JLT-HBK (ECF, NO. 67), FILED DATED: 5/14/24. THE HONORABLE UNITED STATES DISTRICT COURT JUDGE ORDER GRANTING [15] DEFENDANTS MOTION TO DISMISS, DENYING DEFENDANTS MOTION TO FILE REDACTED EXHIBITS AND DEFENDANTS [38] MOTION TO STRIKE, AND DENYING AS MOOT DEFENDANTS' REQUEST FOR JUDICIAL NOTICE. AMENDED COMPLAINT OR NOTICE OF DISMISSAL DUE WITHIN TWENTY-ONE DAYS...

#2). SPECIFICALLY, AT (ECF, NO. 67), AT PAGES #26 & #18 - & #28. THE COURT STATES: "VI. CONCLUSION BASED UPON THE FOREGOING, THE COURT ORDERS:

(1) DEFENDANTS' MOTION TO STRIKE PLAINTIFF'S DECLARATION (DOC. 38), WHICH THE COURT TREATS AS AN OBJECTION TO PLAINTIFF'S EXHIBIT, IS DENIED.

(2) DEFENDANTS' MOTION TO FILE REDACTED EXHIBITS TO THIRSEN DECLARATION (DOC. 15-6) IS DENIED AS MOOT.

(3) DEFENDANTS MOTION TO DISMISS (DOC. 15) IS GRANTED WITH LEAVE TO AMEND AS TO ONLY THE INDIVIDUAL DEFENDANTS AND WITHOUT LEAVE TO AMEND AS TO THE CALIFORNIA DEPARTMENT OF CORRECTIONS AND REHABILITATIONS.

(4) DEFENDANTS' REQUEST FOR JUDICIAL NOTICE OF MATTERS AND RECORDS IN SUPPORT OF MOTION TO DISMISS (DOC. 15-2) IS DENIED AS MOOT.

(5) WITHIN 31 DAYS PLAINTIFF MAY FILE AN AMENDED COMPLAINT OR A NOTICE OF DISMISSAL. FAILURE TO TIMELY FILE EITHER DOCUMENT WILL RESULT IN DISMISSAL OF PLAINTIFF'S CASE WITH PREJUDICE PURSUANT TO RULE 41 (b).

1. BACKGROUND AS NOTED, IN (ECF NO. 67), FILED DATED: 5/14/24
 2. THE PLAINTIFFS ET AL, HAVE (21) TWENTY-ONE DAY TO FILE AN
 3. AMENDED COMPLAINT, OR A NOTICE OF DISMISSAL. HOWEVER, THE
 4. DISTRICT HAS MADE FINAL RULINGS, DECISIONS, AND/OR JUDGMENTS
 5. OF THE PLAINTIFFS ET AL COMPLAINT THAT CANNOT BE CURED BY
 6. A LIBERAL ACQUISCENT TO AMEND THE ENTITLED COMPLAINT. THE PROPE
 7. INTERVENOR, WOULD ONLY LIKE TO SPECIFICALLY ADDRESS THESE RULINGS,
 8. DECISIONS, AND/OR JUDGMENTS THAT CANNOT BE CURED BY THE
 9. RESPECTFUL PLAINTIFFS ET AL, RIGHTS TO PURSUE, OR NOT TO PURSUE THEIR
 10. ENTITLED COMPLAINT (42 U.S.C. § 1983).

11. IN (ECF NO. 67), FILED DATED: 5/14/24 AT PAGE #14, L#10-L#17, THE
 12. COURT STATES: "3. DEFENDANTS' MOTION TO DISMISS (DOC. 15). 1. REDUNDANT
 13. DEFENDANTS. DEFENDANTS ARGUE THAT THE COURT SHOULD DISMISS DEFENDANTS
 14. HOUSTON, ALBISON, AND DALLARES BECAUSE THEIR STATE-ENTITY EMPLOYER IS A
 15. NAMED DEFENDANT." (DOC. 15-1 AT 56). INDEED, THE COMPLAINT SUES EACH OF THE
 16. DEFENDANTS IN THEIR OFFICIAL CAPACITIES WHILE AT THE SAME TIME, NAMING
 17. THE PCR. (DOC. 1 AT 19-20.). HOWEVER, PLAINTIFFS ONLY REQUESTED
 18. RELIEF IN THIS CASE IS FOR DECLARATORY AND INJUNCTIVE RELIEF, NOT MONETARY
 19. DAMAGES. (ID, AT 34-35). NOTWITHSTANDING THE ABOVE-MENTION.

20. IN (ECF NO. 67), FILED DATED: 5/14/24, AT PAGE #17, L#13-L#21, THE
 21. COURT STATES: "IV. ARTICLE III REDRESSIBILITY. "ON THE OTHER HAND, THE COURT
 22. NOTES THAT PLAINTIFFS HAVE FAILED TO SHOW THAT IT IS "LIKELY, AS OPPOSED TO MERELY
 23. SPECULATIVE THAT THEIR INJURIES WILL BE REDRESSED BY A FAVORABLE DECISION." *Id.*
 24. *OF EDUC. V. BROWN*, 600 U.S. 551, 561 (2023). PLAINTIFFS HAVE BEEN REQUIRED TO SHOW THAT THEY
 25. HAVE ARTICLE III STANDING FOR EACH CLAIM PRESENTED AND FOR EACH OF FORM OF REQUESTED
 26. RELIEF SOUGHT. *TRANS UNION LLC V. RAMIREZ* 594 U.S. 413, 430-31 (2021); *MELAND V. WEBER*,

1. 5 F. 4th 838, 843 (9th Cir. 2021). THE REQUIREMENT DOES NOT CHANGE IN EITHER THE
2. DECLARATORY JUDGMENT, OR PERMANENT INJUNCTION CONTEXT. SEE *HAALAND V.*
3. *BRACKEN*, 599 U.S. 255, 292-93 (2023), (ANALYZING STANDING FOR PLAINTIFFS
4. REQUESTS FOR DECLARATORY AND INJUNCTIVE RELIEF); NOTWITHSTANDING THE ABOVE.
5. IN (POF. NO. 67), FILED DATED: 8/14/24 AT PAGE #53, L#4 - L#16, THE
6. COURT STATES: "THERE ARE TWO FATAL FLAWS CONCERNING THE REQUESTED
7. INJUNCTION. FIRST, IT WOULD REQUIRE THE COURT TO ORDER COR OFFICIALS TO
8. IDENTIFY, LOCATE, AND REMOVE POTENTIALLY OVER TWO DOZEN "TRANSGENDER,
9. INTERSEX, AND NONBINARY INDIVIDUALS FROM CALIFORNIA PRISONS (DOC. 1 AT 39).
10. NOT ONLY IS IT BEYOND THE POWER OF AN ARTICLE III COURT TO ORDER, DESIGN,
11. SUPERVISE, OR IMPLEMENT THE PLAINTIFFS' [SUGGESTED] REMEDIAL PLAN WHICH
12. WOULD INEVITABLY REQUIRE A HOST OF COMPLEX POLICY DECISIONS ENTRUSTED,
13. FOR BETTER OR WORSE TO THE WISDOM AND DISCRETION OF THE EXECUTIVE AND
14. LEGISLATIVE BRANCHES, *TULINNA*, 947 F.3d at 1171, BUT THIS IS ALSO NOT WHAT PLAINTIFFS
15. COMPLAINT REQUESTS. THEY REQUEST THE COURT EXJOIN COR AND ITS OFFICIALS FROM
16. FURTHER ENFORCING OR IMPLEMENTING S.B. 132 (SEE DOC. 1 AT 14). EVEN IF THE
17. COURT GRANTED THEIR RELIEF, IT WOULD ONLY STOP FURTHER INFLOW OF GENDER-
18. NONCONFORMING INCARCERATED INDIVIDUALS; THOSE WHO COR HAS ALREADY HOUSED
19. IN COWF WOULD REMAIN. (DOC. 32 AT 18 ("AN INJUNCTION AGAINST IMPLEMENTING
20. THE SPECIFIC POLICY CONTAINED IN S.B. 132 WOULD DO NOTHING TO CHANGE CORP
21. OBLIGATIONS TO MAINTAIN A SIMILAR POLICY... AND THIS WOULD DO NOTHING
22. TO REMEDY PLAINTIFFS' ALLEGED INJURIES."). FURTHERMORE AT L#17 - L#24
23. STATES: "MOREOVER, THE COURT IS NOT CONVINCED THAT LIFE IN THESE PRISONS' PRE-CA
24. 132" WOULD REDRESS PLAINTIFFS' COMPLAINT. AS PLAINTIFF ADMITS, CALIFORNIA CODE
25. OF REGULATIONS, TITLE 15, SEC 3269 (2017) ALLOWED TRANSGENDER IMMATES AND IMMATES
26. WITH SYMPTOMS OF GENDER DYSPHORIA TO BE REFERRED TO A CLASSIFICATION COMMITTEE
27.

1. FOR A DETERMINATION OF APPROPRIATE HOUSING AT A DESIGNATED INSTITUTION. (Pl.
2. CODE REGS. TIT 15, P.C. 3269 (g) (2007), (Doc. 41 at 7.) THE REGULATION EXISTED AT
3. LEAST THREE YEARS PRIOR TO THE ENACTMENT OF S.B. 132, AND ALLOWED FOR TRANSGENDER
4. INMATES TO BE HOUSED WITH CISGENDER, FEMALE INMATES, ID P.C. 3269 (g), 3375 (b) (2017).
5. IN OTHER WORDS THE KEMEDIAL SCHEME LAID OUT IN P.C. 3269 (g) AND 3375 (b)¹⁹
6. DIRECTLY. [CONTINUATION AT PAGE 34, L#1-L#7] UNDERMINES PLAINTIFFS
7. ARGUMENTS THAT BY RESTORING CALIFORNIA'S WOMEN'S CORRECTIONAL FACILITIES TO
8. THEIR HOUSING ARRANGEMENTS PRE-S.B. 132, CISGENDER AND TRANSGENDER INMATES
9. WOULD LIVE IN SEPARATE HOUSING FACILITIES. INDEED PLAINTIFF DO NOT SEEK TO
10. EXTINGUISH THESE PROVISIONS OF THE CALIFORNIA CODE OF REGULATIONS, AND SUCH
11. REGULATIONS WOULD STILL EXIST IF THE COURT ISSUED PLAINTIFFS THEIR REQUESTED
12. INJUNCTION. THUS, DEFENDANTS CORRECTLY POINT OUT THAT "REGARDLESS OF THE
13. OUTCOME OF THIS SUIT, TRANSGENDER WOMEN WILL CONTINUE TO BE HOUSED IN
14. WOMEN'S FACILITIES." (Doc. 15-1 at 19.) ... NOTWITHSTANDING THE ABOVE-
15. IN (P.C. NO. 67) AT PAGE #24 L#24; AT PAGE #35 L#1-L#5, THE COURT
16. STATES: "FOR THIS REASON, IN ADDITION TO ISSUES OF ABANDONMENT AND
17. IMMUNITY, THE COURT MUST GRANT DEFENDANTS' MOTION TO DISMISS...
18. DEFENDANTS REQUEST FOR JUDICIAL NOTICE (Doc. 15-2) IS ACCORDINGLY DENIED AS
19. MOOT. V. 42 U.S.C. § 1983. FINALLY, THE COURT NOTES THAT IT MUST GRANT
20. DEFENDANTS' MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM BECAUSE PLAINTIFFS
21. HAVE FAILED TO BRING THEIR CLAIMS COMPLAINT TO 42 U.S.C. § 1983...
22. AT PAGE #36, L#13-L#16 STATES: "HERE THE COURT DETERMINES NOT ONLY THAT
23. COLORADO ENJOYS IMMUNITY UNDER THE ELEVENTH AMENDMENT, BUT ALSO THE MOST
24. PLAINTIFFS' CLAIMS ARE NOT REDRESSABLE UNDER THE BOUNDS OF ARTICLE III, AS
25. SUCH, THE COURT DENIES PLAINTIFFS LEAVE TO AMEND THEIR COMPLAINT AGAINST COLORADO AND FOR
26. CLAIMS THAT THE COURT CANNOT REDRESS."
27.

ARGUMENT

1. IN SUPPORT OF PROSE INTERVENOR'S MOTION TO MODIFY,
2. AMEND, OR ALTER THE JUDGMENT. PURSUANT TO: FRCP RULE 59...

3. AS NOTED BY THIS HONORABLE COURT, IN (ECF. NO. 67), AT PAGE
4. #16, & #17 - & #21. THE COURT STATES: "III. ELEVENTH AMENDMENT
5. IMMUNITY. THOUGH NEITHER THE DEFENDANTS NOR INTERVENORS
6. RAISED ELEVENTH AMENDMENT IMMUNITY REGARDING NAUGHTIFF FEDERAL/
7. CAUSES OF ACTION, THE COURT MAY SPAWN SPONTANEOUSLY ADDRESS STATE SOVEREIGN
8. IMMUNITY ISSUES, AS ~~THE~~ DOCTRINE IMPLIES THE COURT'S PROTECT-
9. MATTER JURISDICTION. SEMINOLE TRIBE V. FLORIDA 517 U.S. 44, 84 (1996)..."

10. NOTWITHSTANDING, THE ABOVE-MENTION OVERSIGHT, THE PROSE INTERVENOR
11. TAKES LIBERTY TO INVITE THE INTERVENORS' GROUP OF TRANSGENDER AND
12. INTERSEX INMATES, AS WELL AS THEIR ADVOCACY GROUP (TRANSGENDER,
13. GENDER, VARIANT AND INTERSEX JUSTICE PROTECT) ("TGITP") AND/OR THEIR
14. ATTORNEYS REPRESENTING THEM (ECF. NO. 68). TO JOIN, STIPULATE, CONFER,
15. AND/OR NOT PARTICIPATE IN THE PROSE INTERVENOR'S MOTION TO MODIFY,
16. AMEND, OR ALTER THE JUDGMENT. SEE FRCP RULE 59...

17. #1). PROSE INTERVENOR CONCLUDES AS FOLLOWS: THE DEFENDANTS ET,
18. AL, AND THEIR ATTORNEYS REPRESENTING THE DEFENDANTS, AND THE (PROSE)
19. INTERVENOR ARE NOT OUT OF THE "NECK OF THE WOODS," ANALOGY.
20. THOUGH THIS COURT'S JUDGMENT IN (ECF. NO. 67) WAS TREMENDOUSLY
21. FAVORABLE TO DEFENDANTS AND PROSE INTERVENORS. HOWEVER,
22. RELATED CASE FACTORS ARE STILL IN HEATED DISPUTE BETWEEN
23. THE DEFENDANTS, AND THE (PROSE) INTERVENOR REGARDING THE
24. DEFENDING OF THE ENTITLED CASE AND/OR HOW THE DEFENDANT
25. PRELIMINARY INJUNCTION, OR INJUNCTIVE RELIEF WAS DETECTED APPLIED.

AUTHORITIES

1. SANDIN V. CONNER (1995) 515 U.S. 472, 483; FARMER V.
 2. BRENNAN (1994) 511 U.S. 825, 847; PRATT V. ROWLAND (9th CIR. 1995)
 3. 65 F.3d 802, 806-807; RIZZO V. JAWSON (9th CIR. 1985) 778 F.2d 527,
 4. 532; LUCKRO V. HENSKY (C.D. CAL. 1996) 920 F.Supp. 1067, 1076;
 5. SCOTT V. RENO (C.D. CAL. 1995) 962 F.Supp. 1190, 1195.
 6. #2). THIS PROSE INTERVENOR HAS ASSERTED THAT (PCR)
 7. AND/OR THE ATTORNEYS REPRESENTING THE DEFENDANTS HAVE NOT
 8. ADEQUATELY DEFENDED SB 132 VIGOROUSLY BECAUSE IT IS A LAW THAT
 9. THEY NOT ONLY REFUSE TO FULLY IMPLEMENT, BUT REGULARLY VIOLATE.
 10. (ECF. NO. 64) PCR OPPOSED THE (PROSE) MOTION TO INTERVENE.
 11. (ECF. NO. 68). THE (PROSE) INTERVENOR FILED A REPLY TO THAT
 12. OPPOSITION. COURT FILED DATED: 4/22/24 (ECF. NO. 66) ...
 13. #3). UNDER MY LIMITED UNDERSTANDING (SB. 132), BECAME
 14. EFFECTIVE (CALIFORNIA PENAL CODE SECTION 2605 AND 2606 ON
 15. JANUARY 1, 2021. THE ENTITLED CASE WAS FILED IN 2021. (CASE NO.
 16. 1:21-CV-01657-JLT-HBK.) ACCORDING TO (ECF. NO. 67) AND THIS
 17. COURT'S ACCEPTED FINDINGS AND/OR DECISION AT PAGE #23, L#4-L#6.
 18. "THERE ARE TWO FATAL FLAWS CONCERNING THE REQUESTED INJUNCTION.
 19. FIRST, IT WOULD REQUIRE THE COURT TO ORDER PCR OFFICIALS TO IDENTIFY,
 20. LOCATE, AND REMOVE POTENTIALLY OVER TWO DOZEN⁸ TRANSGENDER,
 21. INTERSEX, AND NONBINARY INDIVIDUALS FROM CALIFORNIA PRISON (DOC. 1
 22. AT PARAGRAPH #39) ... FOOTNOTE #18 STATES: "AT THE TIME 2/9 INTIFFS FILED
 23. THEIR OPPOSITION BRIEF, THEY REPRESENTED THAT THERE WAS AT LEAST TWO
 24. DOZEN OF SUCH TRANSFERS INTO C.I.W AND C.C.W.F. (DOC. 1 AT #39) IN THEIR
 25. OPPOSITION, HOWEVER, PLAINTIFFS REPRESENT THAT THERE ARE AT LEAST 300
 26.

1. OF SUCH INDIVIDUALS HOUSED IN WOMEN'S CORRECTIONAL FACILITIES. (SUP. 36 AT 26.)
 2. REGARDLESS, THE NUMBER OF INCARCERATED GENDER NON-CONFORMING INDIVIDUALS
 3. IS CERTAINLY HIGH... WHAT THE ENTITLED PLAINTIFFS ET. AL, LAW SUITE
 4. DID NOT ACHIEVE IN STOPPING OR REVERSING THE IMPLEMENTING OF
 5. (S.B. 132) OR PENAL CODE SECTION 2606. HOWEVER, WHAT IT DID DO WAS
 6. EXPOSED, ILLUMINATED, AND CLEARLY SHOWN THE UNDER-HANDED, VICARIOUS,
 7. EGREGIOUS, AND/OR RETALIATORY/REPRISAL WAY THE DEFENDANTS ARE
 8. IMPLEMENTING THE (S.B. 132) LAW TO DENY, PREVENT, EXCLUDE, AND/OR
 9. PROCRUSTINATE THE (MORE) INTERVENOR FROM BECOMING A PART OF THIS
 10. LAW, BENEFITTING, OR PARTICIPATING IN PENAL CODE SECTION 2606. DUE
 11. TO DEFENDANTS AND/OR THEIR ATTORNEYS REPRESENTING THEM RETALIATING
 12. FOR THE (MORE) INMATE TRANS GENDER, OBTAINING (PROSE) INTERVENOR
 13. STATUS. (ECF. NO. 66), SEE (ECF. NO. 67)... THE DEFENDANTS AFTER
 14. 3 1/2 YEARS OF THIS LAW BEING CODIFIED IN PENAL CODE SECTION
 15. 2605 AND 2606 HAVE NOT VIGOROUSLY IMPLEMENTED THIS LAW,
 16. WHICH WAS SHROUDED UNDER A VEIL/DEFACTO AND NON-COURT
 17. AUTHORIZED (DETURS) PRELIMINARY INJUNCTIVE/INJUNCTION RELIEF...
 18. #4). ACCORDING TO DEFENDANT'S OPPOSITION TO PROPOSED
 19. INTERVENOR'S MOTION TO INTERVENE (ECF. NO. 64), FILED
 20. DATED: 4/8/24... THE DEFENDANTS AND/OR THE ATTORNEYS REPRESENTING
 21. THE DEFENDANTS HAVE ALREADY LAID OUT THEIR PLANS TO RETALiate
 22. AGAINST THIS (PROSE) INTERVENOR. SEE DEF. ' OPP. MOT. INTERVENE
 23. (1:21-CV-01657-JLT-HBK) AT PAGE 43, FOOTNOTE #2. STATES IN PART:
 24. "THAT SHE MAY RAISE THESE CLAIMS IN A NEW ACTION." ALSO, AT PAGE # 4
 25. L#23-L#25. "SINCE MS. DAVIS APPEARS TO BE PRESENTLY LITIGATING HER
 26. ISSUES REGARDING HOUSING, OR TRANSFER AND BECAUSE HER MOTION TO
 27. (8)

1. JOIN THE INSTANT ACTION APPEARS TO BE A PRETEXTUAL EXCUSE FOR FILING
2. A MOTION IN HER OWN CASE. MR. JUVIN'S APPLICATION TO INTERVENE SHOULD
3. BE DENIED. SEE, WARREN, 303 F.3d 1014. INTERVENOR DENIES BOTH ASSERTIONS.
4. #5), IN DEFENDANT'S OPPOSITION TO PROPOSED INTERVENOR'S
5. MOTION TO INTERVENE. (ECF NO. 64), FILED DATED: 4/8/24.
6. THE DEFENDANTS AND THE ATTORNEYS REPRESENTING THE DEFENDANTS
7. LISTED SEVERAL REASONS WHY IF THEY ULTIMATELY AND SUCCESSFULLY
8. DEFEATED THE ENTITLED CHANDLER, ET AL. WHISTLEBLOW PORTAL
9. HOW THEY PLANNED TO EXCLUDE (PACER) INTERVENOR OR TAKE
10. REPRISAL AND RETALIATE AGAINST THIS (PACER) INTERVENOR. SEE, DEF.
11. OP. MOT. INTERVENE (1:21-CV-01657-JLT-HBK) AT PAGE # 9 LITIG #17
12. STATES: "NEXT TO THE EXTENT THAT MR. JUVIN'S APPLICATION REFLECTS THAT SHE IS
13. "EFFECTED" BY THE UNDERLYING LITIGATION AND THAT SHE BELIEVES THAT THE
14. DISPOSITION OF THIS CASE WILL IMPACT HER RIGHTS. ECF NO. 64 at 2, BOTH
15. DEFENDANTS AND INTERVENOR ADEQUATELY REPRESENT THE INTERESTS OF
16. INDIVIDUAL TRANSGENDER AND INTERSEX INMATES WHO MAY BE IMPACTED BY
17. THE COURT'S ULTIMATE DETERMINATION REGARDING THE CONSTITUTIONALITY OF
18. PENAL CODE SECTION 2605 AND 2606, AND FOR THIS REASON AS WELL MR. JUVIN'S
19. APPLICATION SHOULD BE DENIED. FED. R. CIV. P. 24(a)(3)" TO THE
20. EXACT OPPOSITE, OR CONTRARY (PACER) AND CERTAINLY NOT
21. (PACER) HAS MENTIONED THIS ENTITLED CASE; PROVIDED PERIODICALLY
22. BULLETINS, OR UP DATES REGARDING THIS ENTITLED CASE; NOR SHARED
23. ANY INFORMATION, OR STATUS REGARDING IMPLEMENTING (P.B 132)
24. OR PENAL CODE SECTION 2605 AND 2606 TRANSFERS... TRANSFER STATUS
25. INMATE(S) SUCH AS KYLE, HAS JUST TOLD BY (PACER) OFFICIAL: "TO STOP
26. UP, STOP COMPLAINING ABOUT PENAL CODE SECTION 2606 TRANSFERS."

1. #6). IF, THIS HONORABLE DISTRICT COURT, DOES NOT MOVE TO
2. STEP IN AND/OR PICK UP THIS (PROSE) INTERVENOR'S MOTION TO
3. MODIFY, AMEND, OR ALTER THE JUDGMENT PURSUANT TO FRCP RULE 59...
4. THE ROAD, OR PATHWAY FOR THIS (PROSE) INTERVENOR TO RECEIVE
5. HER PROTECTABLE INTEREST IN THIS ENTITLED CASE, OR CAL. PENAL
6. CODE SECTION 2606 TRANSFER TO ALL WOMEN PRISON WILL BE
7. TORTUROUS, MEDIEVAL AND/OR CRUEL AND UNUSUAL PUNISHMENT
8. AS DECLARED AND DOCUMENTED BY THE DEF. OPP. MOT. INTERVENE
9. (1:21-CV-01657-JLT-HBK), AT PAGE #3, L#9-L#12. STATES: "INTERVENTION
10. IS INAPPROPRIATE WHEN A PROPOSED INTERVENOR SEeks TO RAISE AN
11. ISSUE NOT PRESENTED BY THE PARTIES, OR WHEN INTERVENTION
12. APPEARS TO BE A PRETEXTUAL EFFORT TO AVOID FILING (COURT FEES
13. PURSUANT TO 42 U.S.C. § 1983 CIVIL RIGHTS COMPLAINT) A SEPARATE ~~COMPLAINT~~ ^{ACTION}...
14. (SEE WARREN V. COMM'N, 302 F.3d 1012, 1014 (9th Cir. 2007) IS NOT
15. APPLICABLE. DUE TO PLAINTIFFS CHANDLER ET AL. IN (ECF NO. 67)
16. AT PAGES #23 L#1-L#4) FOOTNOTE #18... THE DEFENDANTS AND THE ATTORNEYS
17. REPRESENTING THE DEFENDANTS ARE MIGHT MINISTATING THE FACTS
18. AND/OR HIDING BEHIND THE UNAUTHORIZED DEFECTIVE PRELIMINARY
19. INJUNCTION RELIEF MOTION THAT WAS NEVER GRANTED BY THIS COURT...
20. THE PLAINTIFFS PRESENTED (ECF NO. 36 AT 26) WHICH STATES: "THE
21. NUMBER OF TRANSGENDER WOMEN HAS CHANGED FROM TWO DOZEN IN
22. 2011, TO AT LEAST 300 OF SUCH INDIVIDUALS HOUSED IN WOMEN'S
23. CORRECTIONAL FACILITIES. AS OF ECF NO. 36 AT 26. THIS (PROSE)
24. INTERVENOR MS. JAVIS, IS REQUESTING THIS ENTITLED HONORABLE
25. COURT TO MODIFY, AMEND, OR ALTER THE JUDGMENT TO INCLUDE/ORDER
26. (PROSE) INTERVENOR BE A PART OF THIS PROTECTABLE INTERESTS INMATE...
27.)

1. #7). WHAT IS QUITE CLEAR BY LANGUAGE, DISPOSITION, AND/OR
 2. ARGUMENTS PRESENTED BY DEFENDANTS, AND/OR THE ATTORNEYS
 3. REPRESENTING THE DEFENDANTS, IN DEF. OPP. MOT. INTERVENOR (1:21-CV-
 4. 01657-JLT-HBK) PAR. 51. STATES: "SIMILAR SITUATED TRANSGENDER
 5. STATUS INMATES, WHO MAY HAVE PENDING, PRIOR, OR ON-GOING STATE,
 6. OR FEDERAL COURT LITIGATIONS BY WAY OF EITHER FEDERAL HABEAS CORPUS
 7. OR FEDERAL CIVIL RIGHTS LAW SUIT ACTIONS... WILL BE DENIED, EXCLUDED,
 8. CIRCUMVENTED, PROCRASTINATED, HARASSED, PUNISHED, AND DEPRIVED
 9. OF THEIR RIGHT TO BE EQUALLY TREATED TO (S.A. 132) PENAL CODE
 10. SECTION 2606 TRANSFER TO AN ALL WOMEN PRISON. BECAUSE THE
 11. DEFENDANTS AND THE ATTORNEYS REPRESENTING THE DEFENDANTS CAN
 12. IMPOSE IN THE CASE OF THE (PROSE) INTERVENOR, THAT SUCH SIMILAR
 13. SITUATED TRANSGENDER STATUS INMATE FILE A SEPARATE, OR NEW
 14. ACTION. (~~1983~~ U.S.C. § 1983) LAW SUIT CLAIM TO BE (S.A.) 132,
 15. PENAL CODE SECTION 2606 TRANSFER TO AN ALL WOMEN PRISON...
 16. BASED ON THE DEF. OPP. MOTION INTERVENOR (1:21-CV-01657-JLT-HBK)
 17. FILED DATED: 4/8/24, THIS HONORABLE DISTRICT COURT CAN EASILY CREAM
 18. FROM THE DEFENDANTS ARGUMENTS PRESENTED, THE (PROSE) INTERVENOR WILL
 19. NOT BE PENAL CODE SECTION 2606 TRANSFERRED TO AN ALL FEMALE PRISON. BECAUSE
 20. I COULD GRANTED (PROSE) INTERVENOR STATUS IN THE ENTITLED CASE. (RETALIATION)
 21. AND/OR AS THE EVIDENCES SHOWS. THE DEFENDANTS AND/OR ATTORNEYS REPRESENTING
 22. THEM HAVE DECLARED THAT I MUST FILE A NEW ACTION. (42 U.S.C. 1983 CLAIM).
 23. #8). IN (ECF NO. 67) FILED DATED: 5/14/24, AT PAGES #24, 25 - 26,
 24. STATES: "THUS, DEFENDANTS CORRECTLY POINT OUT THAT 'REGARDLESS OF THE OUT-
 25. COME OF THE SUIT, TRANSGENDER WOMEN WILL CONTINUE TO BE HOUSED IN
 26. WOMEN'S FACILITIES.'" (DOC. 15-1 AT 19). THE (PROSE) INTERVENOR
 27. (11)

1. CONTENDS AND/OR ARGUES THAT DEFENDANT'S FILED DOCUMENT #15-1,
 2. AT 19, WAS SUBMITTED TO THIS COURT IN THE YEAR 2022... HOWEVER, WITHOUT
 3. COURT ACCESS, OR PERMISSION, I CAN ONLY PRESUME IT IS THE LIST, OR
 4. CLASSIFICATION COMMITTEE APPROVED TRANSFER TRANSFERRING INDIVIDUALS
 5. AWAITING TRANSFER TO AN ALL WOMEN'S PRISON. THE (MORE) INTERVENOR'S
 6. STATUS ALREADY ESTABLISHED THAT I AM A MEMBER OF THE PROTECTABLE INTERESTS
 7. GROUP. [CAL. PENAL CODE SECTION 2605 AND 2606], CERTIFIED BY CPCR TRANSFERRING
 8. WOMAN INDIVIDUAL, AND/OR UNIQUELY A (MORE) INTERVENOR IN THE ENTITLED
 9. CASE. I HAVE BEEN INJURED OR SUFFERED FROM ON-GOING INJURIES
 10. BEING DENIED/DEHUED/PREVENTED FROM (S.B.) 132, PENAL CODE SECTION
 11. 2606 TRANSFERRED TO AN ALL WOMEN'S PRISON. SEE, JULIANA V. UNITED
 12. STATES, 947 F.3D 1159, 1170 (9th Cir. 2020); CALIFORNIA V. TEXAS, 583 U.S.
 13. 659, 671 (2021)... FACTORS MENTAINED BELOW; INJURY AS A RESULT OF DENIALS..
 14. #9). THIS HONORABLE COURT HAS (ECF. NO. 64). AND PROSE REPLY MOTION
 15. TO DEFENDANT'S OPPOSITION TO PROPOSED INTERVENOR'S MOTION TO
 16. INTERVENE (COURT FILED DATED: 4/23/24) ECF. NO. 66. THE PHYSICAL
 17. INJURIES PRESENTED IN THEM TWO (2) FILED COURT DOCUMENTS WERE NOT
 18. DENIED BY THE DEFENDANTS; CPCR; OR THE ATTORNEYS REPRESENTING
 19. THE DEFENDANTS... THE ATTORNEYS REPRESENTING THE DEFENDANTS, ARE THE
 20. ONLY WORK ON THE PLANET WHO KNOW... WHO IS THE RESPONSIBLE CPCR
 21. EMPLOYEE TO IMPLEMENT, AND/OR VIGOROUSLY IMPLEMENT PENAL CODE SECTION
 22. 2606 TRANSFER TO ALL WOMEN'S PRISON. NOTWITHSTANDING THE SECRECY OF
 23. MEDICAL CLASSIFICATION CHRONO REQUIREMENT AND REFERRED TO A CLASSIFICATION
 24. COMMITTEE FOR REVIEW PROCESS, (DOM § 62080.14). I AM STILL BEING
 25. VICTIMIZED, ASSAULTED, AND RAN AS NOTED BY SENATOR WILKINER
 26. FINDINGS AT (ECF. NO. 67) AT PAGE #3, L#9 - L#22. PRACTICE #15,
 27. (12)

6. SEC. 3370 (ARTICLE 9.5. CARE RECORDS FILE AND UNIT HEALTH RECORDS
 7. MATERIAL-ACCESS AND RELEASE.) ALL PAY ORIGINATES, VICTIMIZATION,
 8. ASSAULTS AND RAPE CAN BE PROVIDED TO THE COURT BY WAY OF THIS
 9. STATUTE, AND THE ATTORNEY GENERAL OFFICE OR ATTORNEYS, IN ENTITLED CASE.
 10. #10). SPECIFICALLY, THE SALINAS VALLEY STATE PRISON, MR. CHARLES
 11. SCHUYLER, WARDEN IN HIS OFFICIAL CAPACITY, AND COARREST WARDENS:
 12. MR. BRYAN J. PHILLIPS IN HIS OFFICIAL CAPACITY HAVE ALLOWED VARIOUS
 13. DEPUTY WARDENS OR (AW): T. MCKELLY; KENNEDY; BROWN; COMEDINA; AND
 14. VARIOUS CORRECTIONAL CHAIRMAN: PARKS; JEAN; AGUIRRA; AND NAVARRO,
 15. AND VARIOUS LIEUTENANTS: THICH; MADSEN; C. AVILA; AND VARIOUS SERGANTS:
 16. DAVIS; PEREZ; AGUIRE, VEGA; DOMINGUEZ; AND HIGHLY TO COMMUNICATE
 17. AND CONSPIRE WITH THE (S.B.) 132, OR PENAL CODE SECTION (PCR) 2606
 18. CLASSIFICATION COMMITTEE MEMBERS, AND/OR WITH THE ATTORNEYS
 19. REPRESENTING THE DEFENDANTS IN THE ENTITLED CASE. SINCE 4/20/24,
 20. EACH AND EVERYONE OF THE ABOVE-MENTION (SVP) PRISON OFFICIALS HAVE
 21. TOLD ME, AND/OR I HAVE HEARD EACH ONE SAY: "INMATE JAVIER KENNARD
 22. #1-18448 TRANSFERRED STATUS HAS FILED LITIGATION DOCUMENTS IN THIS
 23. CASE, AND THAT THEY HAVE SPOKEN TO THE ATTORNEYS REPRESENTING (PCR)
 24. AND/OR THE DEFENDANTS REGARDING PAY (PROB) INTERVIEWER'S STATUS." THE
 25. ABOVE NAMED (SVP) PRISON OFFICIALS TOLD ME: "THAT THEY HAVE BEEN HERE AT
 26. (SVP) TO MONITOR MY COURT FILING ACTIONS IN THIS ENTITLED CASE, AND TO
 27. UNDERMINE, SABOTAGE, IMPED, AND CIRCUMVENT MY ORIGINATES AND
 28. ACCESS TO THE COURT, (CHILL) MY ATTEMPT TO GET PENAL CODE SECTION 2606
 29. TRANSFERRED TO AN ALL FEMALE PRISON... "IN CONNECTION OR CONSPIRACY
 30. WITH THE ATTORNEYS THAT REPRESENT THE ENTITLED DEFENDANTS
 31. AND/OR (PCR) OFFICIALS ON THE (S.B.) 132 CLASSIFICATION COMMITTEE."

1. #11. SINCE 4/28/24, AND EVERYDAY MOVING FORWARD UP UNTIL
2. THE UNDERSIGNED DATED: 5/27/24. I HAVE REPORTED CALIFORNIA PENAL
3. SECTION 2606.(a)(3)(4) SAFETY CONCERNS TO THE (PVP) GRIEVANCE
4. COORDINATOR: C. RAMOS; CHAIRMAN: PARKS; AND BOTH ABOVE MENTION (PVP)
5. GUARDERS, I FEAR IMMINENT PHYSICAL ATTACK, ASSAULT, AND HARM FROM MY
6. KNOWN (8) EIGHT CONFIDENTIAL INMATE ENEMIES HERE AT (PVP) AND/OR
7. THEIR KNOWN (STG) GANG MEMBERS AFFILIATES, PROXIES, OR COHORTS. MY
8. REQUEST FOR SAFETY CONCERNS ARE BEING DENIED AND USED TO SEND ME
9. A CODED/DECODED MESSAGE BY THE ABOVE-MENTIONED PRISON OFFICIALS TO STOP
10. PURSUING MY TRANS GENDER STATUS TRANSFER AND ACCESS TO THE ENTITLED COURT.
11. #12. ON 4-29-24, I WAS VICTIMIZED BY CORRECTIONAL SERGEANT:
12. HIDALGO, WHO COMMITTED STAFF SEXUAL MISCONDUCT BY FORCING ME AND/OR
13. ORDERING ME TO STIP NAKED FOR A GRIEVANCE INTERVIEW COMPLAINT
14. IN FRONT NAKED CORRECTIONAL OFFICIALS AND MAKE INMATES THAT WAS DONE
15. IN REAR END FOR MY KNOWN ABOVE-MENTION REQUEST FOR SAFETY CONCERNS.
16. #13. ON MAY 17, 2024, I REPORTED (AREA) STAFF SEXUAL MISCONDUCT
17. BY SERGEANT: HIDALGO, USING HER AUTHORITY, POWER, AND POSITION
18. OVER ME TO PERFORM SEX ACTS UPON ME FROM THE TIME PERIOD OF
19. DECEMBER 2023 THROUGH JANUARY 2024, WHILE I WAS HOUSED AT (PVP)
20. RESTRICTIVE HOUSING UNIT (RHU) 29-UNIT CELL #100. THIS PRISON OFFICIAL
21. OFFICIAL SERGEANT: HIDALGO AND I HAD AN INTIMATE SEXUAL RELATIONSHIP.
22. SERGEANT: HIDALGO, HAS NOW INFORMED HER PRISON INMATE PROXIES, AGENTS
23. AND COHORTS TO KILL, ATTACK, AND HARM ME IN RETALIATION FOR FILING
24. GRIEVANCES ABOVE-MENTION, OR SAFETY CONCERNS GRIEVANCES; RELATED
25. TO (58) 132 PENAL CODE SECTION 2606.(a)(3)(4), TRANSFER TO ALL FEMALE PRISON.
26. I AM BEING PHYSICALLY ATTACKED DUE TO ME BEING TRANS GENDER AT THIS PRISON.
27.

1. #14) THE DEFENDANTS AND/OR THE ATTORNEY REPRESENTING THE ENTITLED
 2. DEFENDANTS ARE SO UNIQUELY PLACED WHERE (THEY) CAN MONITOR,
 3. HEAR, OR RECEIVE ANY INMATE COMPLAINT(S) FILED BY ANY TRANSGENDER
 4. STATUS INMATE WITHIN THE CALIFORNIA DEPARTMENT OF CORRECTIONS AND
 5. REHABILITATION. SPECIFICALLY REQUESTING (C.R.) 137, PENAL CODE SECTION
 6. 2606 TRANSFER TO AN ALL FEMALE PRISON, AND REGARDING SAFETY CONCERNS.
 7. THEN COORDINATE THIS INFORMATION TO THE ENTITLED CASE, OR ANY
 8. OTHER POTENTIAL COURT CASE, IN CONNECTION/CONNECTION WITH THE (PUSH)
 9. PRISON OFFICIALS TO THWART/DENY MY PENAL CODE 2606 TRANSFER.

10. CONCLUSION

11. PURSUANT TO FEDERAL RULES OF CIVIL PROCEDURE RULE 59.
 12. ALASKA V. SUBARSA PROPOSED GAS CORP. 123 F.3d 1317, 1319,
 13. (9th CIR. 1997). (HOLDING THAT PUTATIVE PARTY MEMBER COULD INTERVENE FOR
 14. THE PURPOSE OF APPEAL AFTER PARTIES SETTLED CLAIMS AND DISTRICT COURT
 15. ENTERED FINAL JUDGMENT)... SEE: UNITED STATES EX REL. KILLINGSWORTH
 16. V. NORTROP CORP., 85 F.3d 715, 719-20 (9th CIR. 1994). (HOLDING THAT
 17. NONPARTY COULD INTERVENE FOR APPEAL AFTER PARTIES FILED STIPULATION
 18. OF DISMISSAL IN DISTRICT COURT)... SEE: WARREN V. COMMISSIONERS
 19. OF INTERNAL REVENUE 302 F.3d 1012, 1014 (9th CIR. 2000)...

20. PRAYER FOR RELIEF

21. THAT THIS HONORABLE COURT MODIFY, ALTER, OR AMEND THE
 22. JUDGMENT IN THIS ENTITLED CASE TO "ORDER", OR INCLUDED THAT ALL
 23. ENTITLED CASE INTERVENOR TRANSGENDER INMATE STATUS, BE TRANSFERRED
 24. FORTHWITH TO AN ALL WOMENS PRISON, OR ORDER DEFENDANTS TO SHOW
 25. CAUSE WHY NOT? WITHIN (30) DAYS... SINCERELY SUBMITTED,

26. I DECLARE UNDER PENALTY OF PERJURY UNDER THE LAWS THE ABOVE IS TRUE/CORRECT.

27. DATE: MAY 27TH 2024 (15) Command Sgt Jones
 PROSE INTERVENOR

5/11/24

1. INMATE GRIEVANCES BY REFERENCE UNTIL ORDER PRODUCED
2. BY TITLE #15, P.C. 3370, C.F.R. (KENNARD KEDAVIN #778445)
3. DATED: 4/18/24 Log No. PWRP-547942 SAFETY CONCERNS
4. DATED: 5/22/24 Log No. PWRP-564846 SAFETY CONCERNS/PREA
5. DATED: 5/17/24 Log No. PWRP-564010 SAFETY CONCERNS/PREA
6. DATED: 5/16/24 Log No. PWRP-563552 SAFETY CONCERNS/HUNTING
7. DATED: 5/15/24 Log No. PWRP-562973 STAFF PERSON/MISCONDUCT
8. DATED: 5/14/24 Log No. PWRP-562488 SAFETY CONCERNS/ASSAULT
9. DATED: 5/13/24 Log No. PWRP-561619 DISCOMFORTING GRIEVANCE
10. DATED: 5/13/24 Log No. PWRP-561435 SAFETY CONCERNS/HOUSING
11. DATED: 5/13/24 Log No. PWRP-561356 SAFETY CONCERNS P.C. 2606.
12. DATED: 5/13/24 Log No. PWRP-561176 SAFETY CONCERNS
13. DATED: 5/10/24 Log No. PWRP-560659 SAFETY CONCERNS
14. DATED: 5/9/24 Log No. PWRP-560030 FACILITY DESIGN SAFETY CONCERNS
15. DATED: 5/7/24 Log No. PWRP-558658 FOOD SERVICE SAFETY CONCERNS
16. DATED: 5/6/24 Log No. PWRP-557707 SAFETY CONCERNS
17. DATED: 5/3/24 Log No. PWRP-557063 HOUSING SAFETY CONCERNS
18. DATED: 5/2/24 Log No. PWRP-556504 SAFETY CONCERNS
19. DATED: 4/29/24 Log No. PWRP-554342 FAILURE TO PROTECT
20. DATED: 4/26/24 Log No. PWRP-553790 FAILURE TO PROTECT
21. DATED: 4/24/24 Log No. PWRP-552449 FAILURE TO PROTECT
22. DATED: 4/23/24 Log No. PWRP-551752 ENEMIES CONCERNS
23. DATED: 4/24/24 Log No. PWRP-552526 FAILURE TO PROTECT
24. DATED: 4/23/24 Log No. PWRP-551853 SAFETY CONCERNS
25. DATED: 5/9/24 Log No. H.C. 24000498 SAFETY CONCERNS
26. DATED: 5/10/24 Log No. H.C. 24000517 SAFETY CONCERNS
27. AS TO MY ABOVE MENTION SAFETY CONCERNS (16) - I CANNOT OBTAIN PHOTOCOPIES OF EXHIBITS

PROOF OF SERVICE BY MAIL

BY PERSON IN STATE CUSTODY

(Fed. R. Civ. P. 5; 28 U.S.C. § 1746)

I, DAVIS, KENNARD #7-78448, declare:

I am over 18 years of age and a party to this action. I am a resident of P.V.S.P.

Prison,

in the county of MONTEREY,

State of California. My prison address is: KENNARD LEE DAVIS #7-78448,

(P.V.S.P.) P.O. Box 1050, Soledad, CA. 93960-1050

On 5/27/2024
(DATE)

I served the attached: DAVE INTERVENOR'S MOTION TO MODIFY, AMEND
OR AFTER THE JUDGMENT. FRCA ROK 09.
(DESCRIBE DOCUMENT)

on the parties herein by placing true and correct copies thereof, enclosed in a sealed envelope, with postage

thereon fully paid, in the United States Mail in a deposit box so provided at the above-named correctional

institution in which I am presently confined. The envelope was addressed as follows:

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
OFFICE OF THE CLERK
3500 TULARE STREET, ROOM 1801
FRESNO, CA. 93701-0001

I declare under penalty of perjury under the laws of the United States of America that the foregoing
is true and correct.

Executed on 5/27/2024
(DATE)

Davis, Kennard
(DECLARANT'S SIGNATURE)